



Docket No. VTN-0572

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Denwood F. Ross III et al.  
Serial No. : 10/051,992 Art Unit: 2878  
Filed : January 17, 2002 Examiner: Israel, Andrew  
For : Missing Lens Detection System and Method

*Handwritten signature and date: 11/10/02, 7/18/03*

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, VA 22313-1450 on

May 14, 2003

(Date)

Sheila Cole

Name of applicant, assignee, or Registered Representative

*Handwritten signature: Sheila Cole*  
(Signature)

May 14, 2003

(Date of Signature)

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Assistant Commissioner for Patents  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.131**

Dear Sir:

1. This declaration is submitted to establish completion and reduction to practice of the invention in the above-identified application in the United States at a date prior to September 11, 1998, that is the filing date of U.S. Patent Application Serial No. 07/151,560 that issued September 26, 2000 as U.S. Patent No. 6,124,594.

2. I, Timothy P. Newton, am an inventor jointly with Denwood F. Ross, of the invention described and claimed in the above-identified application.

3. I am presently and was, at and before the completion of the invention, in the employ of Johnson & Johnson Vision Care, Inc. (the Assignee) to whom the above-identified application is assigned.

4. I understand that the claims of the present invention have been rejected in view of the U.S. Patent No. 6,124,594.

5. Appended hereto as Exhibit A is a true copy of the Invention Disclosure that was used to prepare the above-identified application. This Invention Disclosure, which was prepared and submitted to the Assignee, discloses the invention and shows that the present invention was conceived by Denwood Ross and me prior to September 1998.

6. Appended hereto as Exhibit B are true copies of two drawings of a prototype of an infrared lens inspection system that were prepared for the Assignee by a third party under my direction, after I disclosed the invention to the third party. The drawings show the elements of the invention. On the first page is shown the location of the radiation source, the detector, and the circuit board. The second page shows the circuit board that is the processor for the lens detection system. The drawings show that the present invention was made prior to September 1998.

7. Appended hereto as Exhibit C are true copies of two invoices submitted by the third party to the Assignee after building a working prototype of the infrared lens detection system shown in Exhibit B for the Assignee. The invoices are dated prior to September 1998.

8. The infrared lens detection system built in accordance with the drawings shown in Exhibit B was tested. After testing, although the infrared lens detection system worked,

the same third party was asked to make a proposal for modifications to improve the infrared lens detection system.

9. At or about the same time, I built an ultraviolet lens detection system consisting of an ultraviolet radiation source, and an ultraviolet detector having a circuit board attached to the ultraviolet detector that processed the detected ultraviolet radiation. I built and tested the ultraviolet lens detection system prior to September 1998. The results of some of the tests are attached as Exhibit D. The results show that the lens absorbed the ultraviolet radiation. The results shown in Exhibit D were generated prior to September 1998.

10. The detection systems that I reduced to practice prior to September 1998 are claimed in the subject patent application.

11. All dates redacted in Exhibits A, B, and C are before September 1998. Additionally the third party's name has been redacted from the drawings and the invoice.

12. I, Timothy P. Newton, further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further declare that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

35 USC §1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issuing thereon.

By: Timothy P. Newton  
Timothy P. Newton

Country of Citizenship: USA

Address: 5083 Lincolnshire Rd. Jacksonville, FL. 32217

Date: 5/13/03

Att.

Exhibit A: Invention Disclosure;

Exhibit B: Drawings; and

Exhibit C: Invoices

Exhibit D: Test Results